

SITE Q

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Case: ENVIRONMENTAL PROTECTION AGENCY v. PAUL SAUGET, individually,
and SAUGET AND COMPANY, a Delaware Corporation.

File #: 3602

By: Don Means

I. DESCRIPTION OF FACILITY

The facility which is the subject of this enforcement action is a refuse disposal site located near the Mississippi River in St. Clair County, Illinois (pp. 1, 11). The site is located in Centreville Township (T2N, R10W of the 3rd principal meridian) and lies partly within the limits of the Village of Sauget (p. 1).

The total area of the site is approximately thirty-five acres (p. 24).

Immediately to the west of the site is the Mississippi River (p. 1).

A Union Electric power plant is located to the north of the site (reference: information provided by Pat McCarthy). Also to the north of the site is a dumping site for toxic chemicals operated by the Monsanto Company (reference: information provided by Pat McCarthy).

The tracks of the Alton and Southern Railroad intersect the site from northeast to southwest (p. 1). To the east of the site is the levee and Gulf Mobile and Ohio railroad tracks (p. 1). This site had begun operation by at least 1967 (p. 3). The site accepted general refuse (p. 8). Cinders were used as cover (pp. 230, 272). The site was totally inundated by flood waters from the Mississippi in the spring of 1973 (pp. 134-139).

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That portion of the site south of the Alton and Southern tracks was not operated after the flood (p. 260). The northern portion was permanently closed some time after August 21, 1974 (p. 284). The site currently is not in operation, nor has it received adequate final cover (p. 302). In September, 1976, a fire occurred at the site, and refuse smoldered underground for at least two weeks (pp. 301-314).

During most of the time of the operation of this site, the land was owned by Cahokia Trust Properties of Cahokia, Illinois (p. 55). On April 2, 1973, the property was sold to Notre Dame Fleeting and Towing Service, Inc., which later was merged into Eagle Marine Industries (pp. 43, 55). Eagle Marine was probably instrumental in the cessation of the unpermitted operation of this site (pp. 112, 113, 285).

The operation of the site was conducted by Sauget and Company (Sauget). Sauget is a Delaware corporation which until November 15, 1973 was authorized to do business in the State of Illinois (pp. 57 and 58). On November 15, 1973, the Secretary of State of the State of Illinois revoked the authority of Sauget to transact business in Illinois for failure to file its annual report and pay its annual franchise tax (pp. 57 and 58). Since November 15, 1973, Sauget has been doing business in Illinois without a Certificate of Authority. Paul Sauget is an officer of Sauget and Company and a principal owner (reference: information provided by Pat McCarthy). Because of his personal involvement in the operation of this facility, he should be named as an individual respondent.

II. DESCRIPTION OF POLLUTION SOURCE

The primary cause of pollution at this facility is the lack of adequate final cover. All refuse has not received at least two feet of cover as required by Rule 305(c) of Chapter 7. Additionally, the cover which has been applied is not a suitable material. Cinders have been used as cover instead of well-compacted clay or earth. As a consequence, three sorts of pollution occur:

1. Surface water infiltrates the refuse, causing the generation of leachate which migrates into the groundwater and hence into the Mississippi River.
2. When the Mississippi River is up, as in the spring of 1973, refuse is carried into the River.
3. Surface fires, such as the one which occurred in September of 1976, ignite underground refuse, causing a smoldering, smoky fire which is very difficult to extinguish.

III. PREVIOUS AGENCY INVOLVEMENT

The site was registered with the Department of Public Health on March 6, 1967 (pp. 3-5). An application for a permit was submitted to the Agency on February 7, 1972 (pp. 6-11). The application was denied on March 9, 1972 (p. 12). Another application was made on July 3, 1972 (pp. 13-28). This application was denied on August 7, 1972 (pp. 29-33). A request to reactivate the application and supplemental material were submitted to the Agency on August 1, 1974 (pp. 41-48). The application was again denied on September 16, 1974 (pp. 51-53). No further attempts to obtain a permit have been made.

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Sauget was ordered by the Pollution Control Board on May 26, 1971 to pay a penalty of \$1,000 for violations in operations on a portion of the facility (PCB 71-29). Sauget was also ordered at that time to cease using cinders for cover.

The Agency has sent many letters to Sauget since it began inspecting the facility which included notification of violations observed at the site. Since April 26, 1972 many letters have advised Sauget of its failure to provide adequate final cover in required areas (pp. 60-119).

Agency personnel have spoken to Paul Sauget on several instances (pp. 112, 134, 135, 141, 290, 301, 310). On January 21, 1975, he orally agreed to the need for final cover at the site and indicated his intent to provide it (p. 290). On September 8, 1976, and September 15, 1976, he acknowledged his responsibility for the fire then burning on the site and stated that he would take corrective action (pp. 301-310).

IV. VIOLATIONS

1. (a) Chapter 7 - Rule 305(c) provides that a compacted layer of not less than two feet of suitable material shall be placed over completed portions of a landfill, not later than sixty (60) days following the final placement of refuse.

(b) Proof - Disposal operations were discontinued at the site some time before January 21, 1975 (p. 289). Under Rule 305(c), completion of final cover was required over the entire site before March 22, 1975. However, Agency inspections reveal that final cover is not yet complete (p. 311). Final cover was required even earlier

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on specific areas of the site where dumping had ceased earlier (e.g., p. 140). In other words, the site has been in violation of Rule 305(c) for years. On March 8, 1974, an inspection of the site was conducted for the purpose of determining how much final cover was in place at the site (pp. 271-275). The inspection disclosed that cover varied in depth from 4" to 12" and consisted entirely of cinders (p. 272). Five photographs verify these findings (pp. 273-275). A similar inspection was conducted on January 26, 1976 (pp. 292-300). This inspection disclosed that the southern portion of the site had cover of dirt rather than cinders, but that it was only two to three inches in depth (p. 293). It also disclosed that conditions on the northern portion were similar or identical to those observed on March 8, 1974 (p. 293). Also, much refuse was observed with no cover (p. 293). Photographs were also taken during this inspection (pp. 296-300). The site was visited most recently on September 27, 1976, at which time it had not yet received adequate final cover (p. 314).

(c) Dates - From on or before March 22, 1975, to the filing of the complaint, final cover has been required over the entire site, and from even earlier on portions of the site (see proof, above).

2. (a) Chapter 3 - Rule 203(a) provides that all waters of the State shall be free from unnatural bottom deposits, oil, and floating debris, and Section .2(a) of the Environmental Protection Act provides in relevant part that no person shall cause or threaten or allow the discharge of any contaminants into the environment so as to violate regulations adopted by the Board.

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(b) Proof - In the spring of 1973, the Mississippi River rose and inundated the subject site (pp. 134-228). All refuse previously deposited which had not received cover then became either a bottom deposit or floating debris in the Mississippi River. Also during this time Sauguet caused refuse to be dumped into the water on the site (pp. 140, 141, 144, 146, 204, 208, 209, 235). Receding flood waters carried refuse off the site and into the main channel of the Mississippi (pp. 199, 202, 213, 223A). Refuse from the site was observed to have been carried at least two miles downstream (pp. 147-148). Many photographs were taken during this period which show debris in the water (pp. 153-175, 178-187, 189-192, 195-198, 200-202, 205-207, 214-222, 224-226, 228, 232-234). The violation of Rule 203(a) of Chapter 3 is also a violation of Section 12(a) of the Act.

(c) Dates - The initial observation of the site during the period of the flood occurred on March 26, 1973 (pp. 134, 140). Flood conditions persisted through at least May 11, 1973 (pp. 227-228) and refuse was observed in water until at least October 17, 1973 (p. 243).

3. (a) Section 12(d) of the Act provides that no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

(b) Proof - See proof of violation of Rule 203(a) of Chapter 3 above. Also, because of the inadequacy of final cover, there is a great hazard that leachate will be generated and will migrate into the

groundwater and into the Mississippi (see proof of violation of Rule 305(c) of Chapter 7, above).

(c) Dates - All refuse placed at this site from the effective date of the Act, July 1, 1970, until the cessation of dumping some time after August 21, 1974, was deposited in such place and manner so as to create a water pollution hazard.

4. (a) Section 9(c) of the Act provides that no person shall cause or allow the open burning of refuse.

(b) Proof - On September 8, 1976, a fire was observed on the subject site (pp. 301, 311). It had started at the north end of the site in some piles of openly dumped demolition refuse and had spread across the vegetation growing in the thin cover over the northern portion of the site (p. 311). The fire on the surface ignited the refuse underground, due in part to refuse protruding through the thin cover and in part to rat holes on this area of the site (p. 311). The site was again observed on September 9, 1976, and was still burning (pp. 302-303). Several photographs taken on September 9, 1976 show evidence of burning (pp. 304-309). The site was visited again on September 15, 1976, and on September 27, 1976, and found to be burning each time (pp. 310-314).

(c) Dates - Open burning of refuse occurred at the site from on or before September 8, 1976, until at least September 27, 1976 (pp. 301, 314).

V. AVAILABLE TECHNICAL SOLUTIONS

The best solution to the pollution problems presented by this

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Two feet of well-compacted, relatively impermeable earthen material will protect the refuse from encroaching flood waters. Observation of the site during the 1973 flood indicated that refuse which had been covered was much less likely to be washed out and carried into the channel of the Mississippi. Also proper cover will inhibit the formation of leachate and the ignition of underground refuse by surface fires.

The only technological difficulty that might arise at this facility is extinguishing an underground fire should it be found that such a fire continues to burn there. If so, the smouldering refuse will have to be excavated and dragged through water to ensure that the fire is totally extinguished.

The cost of these solutions is likely to be quite high, particularly in light of the shortage of cover material on the site. The field staff estimates that approximately 100,000 cubic yards of earthen material will be needed to properly cover the site pursuant to Rule 305(c) of Chapter 7. It is estimated (conservatively) that \$2.00 per cubic yard would be necessary to haul in earthen material, bringing the cost of covering to about \$200,000. In addition, the Agency will probably request that monitoring wells be installed in certain areas.

VI. WITNESS LIST

1. Pat McCarthy
Division of Land Pollution Control
Field Operations Section
Collinsville, Illinois

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2. Kenneth Mensing
Division of Land Pollution Control
Field Operations Section
Collinsville, Illinois
3. Bill Child
Division of Land Pollution Control
Field Operations Section
Aurora, Illinois
4. Andy Vollmer
Division of Land Pollution Control
Springfield, Illinois
5. Michael G. Neumann
Division of Water Pollution Control
6. James Kammuehler
Division of Water Pollution Control
7. Donald Chrismore
St. Louis District
U.S. Army Corps of Engineers
8. Louis Benzek
St. Louis District
U.S. Army Corps of Engineers

(Reference may be made to pages 315-323 for qualifications of Agency witnesses).

VII. RELIEF

1. The pleadings should request the maximum penalty under Section 42 of the Act. In the event of a settlement, a penalty in the range of \$5,000-\$10,000 should be sought.

2. The Board should be requested to order that Sauget cease and desist from all violations within 60 days of the date of the Board's Order. A performance bond in the amount of \$200,000 should be obtained to ensure compliance with the Order.

File
C.S.U.:
STATE OF ILLINOIS
DEPARTMENT OF PUBLIC HEALTH
Division of Sanitary Engineering

APPLICATION FOR REGISTRATION
OF
REFUSE DISPOSAL SITE OR FACILITY

RECEIVED

MAR 6 1967

DIVISION OF SANITARY ENGINEERING
ILLINOIS DEPT. OF PUBLIC HEALTH

- 7 9 3 6 0 0 0 0 6 1 1
1. NAME OF REGISTRANT: Sauget & Co.
 2. ADDRESS: 2902 Monsanto Ave. Sauget, 62206
(STREET) (CITY) (ZIP CODE)
 3. REGISTRATION REQUESTED FOR: (Check one or combination if applicable)
☐ Dump ☐ Incinerator
☒ Sanitary Landfill ☐ Other
 4. LEGAL DESCRIPTION OF SITE LOCATION: County St. Clair Range _____
Township 2 north Range 10 west of 3rd Principal Meridian
Township _____ Section _____ Quarter _____
Lot # 304, Sixth Subd., Cahokia Commons
 5. IS REGISTRANT THE OWNER OF THE DISPOSAL SITE OR FACILITY? Yes ☒ No ☐
 6. IF ANSWER TO (5) IS NO, GIVE NAME & ADDRESS OF OWNER: _____
Cahokia Trust, Charles Richardson, Trustee
Arcade Building, East St. Louis, Illinois

In conformance with Section 2 of the Refuse Disposal Law of the State of Illinois, application is made herewith for registration of the refuse disposal site or facility described above.

DATE March 3, 1967

Paul Sauget
Authorized Representative

March 10, 1967

ST. CLAIR COUNTY - Solid Waste Disposal
Sauget/Sauget & Co.

Mr. Paul Sauget
Sauget & Company
2902 Monsanto Avenue
Sauget, Illinois 62206

Dear Mr. Sauget:

This will acknowledge receipt of two applications for registration of
refuse disposal sites in duplicate.

We are returning the applications to you herewith. The legal description
of the site, Item #4, is identical and incomplete on each of the applications.
Please complete the legal description as to Section and Quarter Section.

It is presumed that the site registration which lists the Monsanto Company
as the owner is the site used for disposal of the industrial wastes in ber-
rile, and that the other site registration is for the area used for a land-
fill. If this presumption is not correct, please include a brief explanation
on the reverse side of the application forms.

Thank you.

Very truly yours,

C. W. Klassen
Chief Sanitary Engineer

CEL
CEC/sh
Encl.
cc/West Central Region

LEO SAUGET
PRESIDENT

PAUL SAUGET
SECRETARY AND MANAGER

Sauget and Company

2902 MONSANTO AVENUE
SAUGET, ILLINOIS 62206

~*~*~

March 16, 1946

RECEIVED
MARCH 17 1946
DIVISION OF SANITARY ENGINEERING
ILL. DEPT. OF PUBLIC HEALTH

Mr. C. W. Klassen
Chief Sanitary Engineer
Department of Public Health
State of Illinois
Springfield, Illinois 62706

Re: Solid Waste Disposal
Sauget/Sauget & Co.

Dear Mr. Klassen:

Your request for a legal description of our disposal sites as to Section and Quarter Section, we do not have Section and Quarter Section descriptions in this area.

The legal description of the waste disposal sites are Lot No. 304 of the Sixth Subdivision of the Cahokia Commons.

Both of the disposal sites have the same description as they are adjoining sites.

The site owned by the Monsanto Company is fenced and only toxic residue is dumped in this enclosed area.

The site owned by the Cahokia Trust is the Industrial Waste and Refuse Dumping.

Very truly yours,

Paul Sauget

Paul Sauget